

JAN 24 2013

A BILL FOR AN ACT

RELATING TO EXEMPTIONS FROM CHILD CARE LICENSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 346-152, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Nothing in this part shall be construed to include:

4 (1) A person caring for children related to the caregiver
5 by blood, marriage, or adoption;

6 (2) A person, group of persons, or facility caring for a
7 child less than six hours a week;

8 (3) A kindergarten, school, or child care program licensed
9 or certified by the department of education, [the
10 ~~charter school review panel, the Hawaii council of~~
11 ~~private schools, or any federal agency,] or the United
12 States Department of Defense and located on federal
13 property;~~

14 (4) A program that provides exclusively for a specialized
15 training or skill development for children, including
16 but not limited to programs providing activities such
17 as athletic sports, foreign language, the Hawaiian
18 language, dance, drama, music, or martial arts;

- 1 (5) A multiservice organization or community association,
2 duly incorporated under the laws of the State that
3 operates for the purpose of promoting recreation,
4 health, safety, or social group functions for eligible
5 pupils in public and private schools through seventeen
6 years of age;
- 7 (6) Programs for children four years of age and older that
8 operate for no more than two consecutive calendar
9 weeks in a three-month period;
- 10 (7) A provider agency operating or managing a homeless
11 facility or any other program for homeless persons
12 authorized under part XVII;
- 13 (8) After-school, weekend, and summer recess programs
14 conducted by the department of education pursuant to
15 section 302A-408;
- 16 (9) Child care programs conducted by counties pursuant to
17 section 302A-408; provided that each county adopts
18 rules for its programs;
- 19 (10) Any person who enters a home in a child caring
20 capacity and only cares for children who are of that
21 household; and
- 22 (11) A person caring for two or fewer children unrelated to

1 the caregiver by blood, marriage, or adoption[-]; and

2 (12) A child care program licensed by the Hawaii council of
3 private schools. A child care program claiming an
4 exemption under this paragraph shall submit an
5 application for the exemption on a form provided by
6 the department and shall provide to the department
7 evidence that the licensing standards of the Hawaii
8 council of private schools meet or exceed the
9 department's standards for a comparable program,
10 including a monitoring component. Upon application of
11 a child care program for the exemption under this
12 paragraph, the department shall have the discretion to
13 determine whether the licensing standards of the
14 Hawaii council of private schools meet or exceed the
15 department's standards."

16 SECTION 2. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act, upon its approval, shall take effect
19 on July 2, 2013.

20
21 INTRODUCED BY:



22 BY REQUEST

Report Title:

Child Care Licensing; Exemptions

Description:

Allows a child care program licensed by the United States Department of Defense and the Hawaii Council of Private Schools to be exempt from licensing by the Department of Human Services. In order for a child care program licensed by the Hawaii Council of Private Schools to be exempt from licensure by the Department of Human Services, the child care program must apply and show evidence that the licensing standards of the Hawaii Council of Private Schools meet or exceed the licensing standards of the Department of Human Services, and that the standards include a monitoring system that ensures compliance with the standards.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Human Services.

TITLE: A BILL FOR AN ACT RELATING TO EXEMPTIONS FROM CHILD CARE LICENSING.

PURPOSE: Allow child care programs licensed or certified by the United States Department of Defense and the Hawaii Council of Private Schools to be exempt from the Department of Human Services child care licensing; and requires child care programs licensed by the Hawaii Council of Private Schools to apply for an exemption and provide evidence that the licensing standards of the Hawaii Council of Private Schools meet or exceed the Department of Human Services' standards, including a monitoring component.

MEANS: Amend section 346-152(a), Hawaii Revised Statutes.

JUSTIFICATION: The Department of Human Services is authorized to license group child care centers and before- and after-school programs. There are administrative costs associated with the licensing and certification activities, including site visits, observation of providers with children, inspections to ensure compliance with administrative rules to ensure the health and safety of the child care operations, and the assessment of the findings.

Act 163, Session Laws of Hawaii 2012, exempted kindergarten, schools, or child care programs licensed by the Hawaii Council of Private Schools and federal agencies, as they already license or accredit their programs in accordance with their standards. This amendment would clarify that the United States Department of Defense would be exempt from licensure by the Department of Human Services. This amendment would also clarify

that programs licensed by the Hawaii Council of Private Schools shall apply for an exemption and provide evidence that the standards established by the Hawaii Council of Private Schools meet or exceed the Department of Human Services' licensing standards, including a monitoring component.

Impact on the public: Current and future recipients of child care subsidies would be eligible for license-exempt child care rates for programs overseen by the Hawaii Council of Private Schools. Families may have higher out-of-pocket costs to utilize these programs' services.

Impact on the department and other agencies: The Department of Human Services will be relieved of duplicative licensure duties for programs already certified, licensed or accredited by the Hawaii Council of Private Schools or the United States Department of Defense.

The Department of Human Services may work with the Hawaii Council of Private Schools to determine that the standards established meet or exceed the Department's licensing standards for comparable programs.

The Department of Human Services would be able to focus its licensing resources on licensed facilities and programs that do not have oversight by a second, separate entity.

A child care program licensed by the Hawaii Council of Private Schools shall apply with the Department of Human Services for an exemption.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HMS 302.

SB. NO. 1106

OTHER AFFECTED
AGENCIES:

None.

EFFECTIVE DATE:

July 2, 2013, after Act 163, Session Laws of
Hawaii 2012, takes effect on July 1, 2013.